

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1877.02
COMPLAINT INVESTIGATOR:	John Hill
DATE OF COMPLAINT:	February 18, 2002
DATE OF REPORT:	March 27, 2002
REQUEST FOR RECONSIDERATION:	n/a
DATE OF CLOSURE:	April 17, 2002

COMPLAINT ISSUES:

Whether the Portage Township Schools and the Porter County Educational Interlocal violated:

- 511 IAC 7-27-7(d) by implementing a student's individualized educational program (IEP) for more than twelve months;
- 511 IAC 7-27-4(a)(3), by failing to schedule a case conference committee (CCC) meeting at the parent's request;
- 511 IAC 7-27-2(c) and 511 IAC 7-17-3 by failing to provide the parent with adequate written notice of the February 25, 2002, CCC meeting;
- 511 IAC 7-29-1 by failing to provide services to a student who has been suspended for more than 10 cumulative instructional days; and
- 511 IAC 7-27-7(a) by failing to provide full day services as indicated in the student's IEP.

The Complaint Investigation Report was originally due on March 20, 2002; however, due to the complaint investigator's unanticipated illness, an extension of time until March 27, 2002, was granted by the associate superintendent on March 5, 2002.

FINDINGS OF FACT:

1. The Student is five years old and has been determined eligible for special education and related services as a student with a mild mental disability.
2. The Student's initial IEP service dates were November 30, 1999 through November 29, 2000. The Student's parent did not attend the annual CCC that was scheduled on November 16, 2000, but rather chose not to enroll the Student in preschool during the 2000 – 2001 school year. On November 19, 2001, the CCC convened to enroll the Student into preschool for the 2001 – 2002 school year. The IEP

was developed and established service dates from November 20, 2001 through April 15, 2002.

3. The parent faxed a letter, dated February 14, 2002, to the local special education office on Saturday, February 16, 2002, requesting an emergency case conference. On February 19, 2002, the second business day after receiving the request, the school contacted the parent and offered to meet on Friday, February 22, 2002, or on Monday, February 25, 2002. The date the parent chose was February 25, 2002. The school sent written notification regarding the February 25, 2002 CCC meeting to the parent on February 20, 2002. On February 22, 2002, the school sent a second written notification to the parent indicating that the student's Head Start teacher and a the Head Start disabilities coordinator would also be in attendance. On February 25, 2002, the parent notified the school that due to an illness they needed to reschedule the CCC and suggested March 6, 2002. The school's special education supervisor was not available to meet on March 6, 2002, so the school suggested February 27, 2002, March 1, 2002 or March 4, 2002; however, the parent was not available on these dates. On March 4, 2002, the parent and the school agreed to meet on March 8, 2002. The CCC meeting was conducted on March 8, 2002.
4. The Student's CCC/IEP Summary, dated November 19, 2001 indicates that he would participate a full day in the Head Start program. The school's response indicates that the Student has attended full days, but was frequently absent. The morning hours were considered to be the Student's instructional day. The teacher notes and family contact log indicate that the Student's parent was contacted several times regarding the Student's behaviors. The documentation reflects that on two occasions the parent was asked to take the Student home for the afternoon because of his disruptive behaviors. Several attempts were made, with no response, to contact the parent to discuss the number of suspensions.

CONCLUSIONS:

1. Finding of Fact #2 reflects that the Student's IEP was not implemented for more than 12 months. Therefore, no violation of 511 IAC 7-27-7(d) is found.
2. Finding of Fact #3 demonstrates that the school responded to the parent's request for a CCC meeting. Therefore, no violation of 511 IAC 7-27-4(a)(3) is found.
3. Finding of Fact #3 indicates that the school received the parent's request for an emergency CCC on February 18, 2002. At the parent's request the school agreed to meet on short notice. The school and the parent mutually agreed to meet on February 25, 2002. In lieu of the parent's request for a CCC meeting as soon as possible, the school did provide the parent with adequate notice of the scheduled February 25, 2002, CCC meeting. Therefore, no violations of 511 IAC 7-27-2(c) or 511 IAC 7-17-3 are found.

4. Finding of Fact #4 indicates that the Student was only suspended for two afternoons according to the school's response. Therefore no violation of 511 IAC 7-29-1 is found.
5. Finding of Fact #4 reflects that the Student was only suspended on two occasions from attending full day services. Therefore, no violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.

DATE REPORT COMPLETED: March 27, 2002